

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CITY OF PEVELY, MISSOURI)	
A Municipal Corporation,)	
Service Address:)	
Pevely City Hall)	
301 Main Street)	
Pevely, MO 63070)	
)	
Complainant,)	
)	CAUSE NO.:
)	(STATE COURT CASE NUMBER: 11JE-CC00137)
v.)	
)	
2302 N. TRUMAN)	
ENTERTAINMENT)	
MGMT., LLC, d/b/a)	
Pure Pleasure Boutique)	
)	
Defendant,)	

NOTICE OF REMOVAL

COMES NOW Defendant, by and through counsel, and files its notice of removal pursuant to 28 USC SectionS 1441 and 1446, and 28 USC Section 1331. In support of this notice Defendant states as follows:

1. Defendant 2302 North Truman Entertainment, MGMT., LLC (hereinafter “2302 North Truman” or “Defendant”) is named defendant in a law suit filed in the Circuit Court for the 23rd Judicial Circuit of Missouri at Hillsboro, Jefferson County, Missouri entitled City of Pevely vs. 2302 North Truman Entertainment, MGMT, LLC; Cause Number 11JE-CC00137. Because the Circuit Court of the 23rd Judicial Circuit lies within the Eastern Division of this District, this Court is the appropriate venue for removal. See 28USC Section 1441(a) and 1446, 28 USC 1331 and 1333..

2. Prior to the filing of the above action State Court, Defendant 2302 North Truman had filed suit in this Court, Civil Action Number 4:11-CV-171 captioned 2302 North Truman Entertainment, MGMT, LLC vs. City of Pevely, Missouri and the Honorable John Knobloch, Mayor of the City of Pevely and Mr. Happy Welch, Pevely City Administrator Civil Action Number 4:11-CV-171. This action is now pending before the Honorable Judge Henry Autrey. Defendant 2302 North Truman's Federal suit as aforesaid seeks Declaratory Judgment, Permanent Injunction, damages, and attorney's fees. It arises from Defendant 2302 North Truman's application for a business license, and Plaintiff City of Pevely's denial of such application for business license.
3. That after receiving notice of 2302 North Truman's pending Federal Court suit and a copy of the pleadings filed therein, Plaintiff City of Pevely's attorney David Korum prepared and filed the aforementioned State Court Action arising from the same events in controversy.
4. Pursuant to Local Rule 2.03, a copy of the complete file from State Court proceedings, Cause Number 11JE-CC00137 in the 23rd Judicial Circuit Court of Missouri, is attached hereto as Exhibit A. Attached hereto as Exhibit B is the Federal Original Filing Form and attached hereto as Exhibit C is the Federal Civil Cover Sheet. Defendant 2302 North Truman is a Florida Corporation, see Exhibit D attached hereto and incorporated herein.
5. That Defendant 2302 North Truman's cause of action in Case Number 4:11-CV-171, and its defenses to be asserted in the aforementioned state court proceedings upon its removal, raise Federal questions, including but not limited to Plaintiff City of Pevely's deprivation of Defendant's rights guaranteed by the First and Fourteenth Amendments of the United States Constitution, and Plaintiff's claims for damages and attorney's fees

pursuant to 42 USC Sections 1983, 1988.

6. That this court possesses subject matter jurisdiction over these suit pursuant to 28 USC Section 1332(a)(1) and Section 1441(a). This Court possesses supplemental jurisdiction over any ancillary and/or pendent claims pursuant to 28 USC Section 1367.
7. In accordance with 28 USC Section 1446 and Local Rule 5-2.01, all required pleadings, notices and other documents have been filed with this Court and served upon Plaintiff's counsel. A copy of this notice has been served upon Plaintiff and the Clerk of the Circuit Court of Jefferson County of Missouri.

_____/s/_____
Robert G. Kister, Esq.
Bob Kister Trial Lawyer, LLC
1349 McNutt Rd.
P.O.Box 156
Herculaneum, Missouri 63048
(636) 931-4459
(636) 937-2435
E-Mail: bobkister@jcn.net

CERTIFICATE OF SERVICE

Respectfully submitted and dated this 14th day of March, 2011, electronically from Herculaneum, Jefferson County, Missouri. A true copy hereof has been sent to David Korum, 222 South Central Avenue, Suite 804, Clayton, MO 63105.

_____/s/_____
Robert G. Kister